

Practitioner's Docket No. NEB-240-PUS

10589.144

CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/US2005/004409	14 February 2005 (14.02.05)	12 February 2004 (12.02.04)
International Application No.	International Filing Date	Priority Date Claimed

Highly Potent hsiRNA Mixtures and Method for Gene Splicing  
 Title of Invention

New England Biolabs, Inc.  
 Applicant(s)

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

COMPLETION OF FILING REQUIREMENTS  
 FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
 IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. § 371

This replies to the Notice of Missing Requirements under 35 U.S.C. § 371 and 37 C.F.R. § 1.495 (FORM PCT/DO/EO/905).

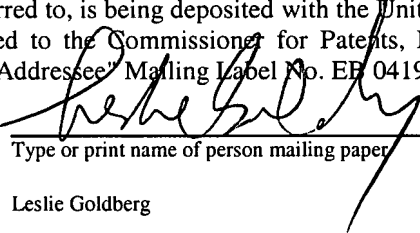
A copy of FORM PCT/DO/EO/905 accompanies this response.

## DECLARATION OR OATH

## EXPRESS MAILING UNDER 37 C.F.R. § 1.10\*

(Express Mail label number is *mandatory*.)(Express Mail certification is *optional*)

I hereby certify that this paper, along with any document referred to, is being deposited with the United States Postal Service on this date 12 July 2007 in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee" Mailing Label No. EE 041997679 US.

  
 Type or print name of person mailing paper

Leslie Goldberg

Signature of person certifying

Date: 12 July 2007

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will *not* be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

- I. The declaration or oath that was filed was determined to be defective. A new original oath or declaration is attached.

## FEES

### II.

1. Examination, Search and Additional Page Fee

Filing fee \$150.00

Examination fee \$100.00

Search fee \$250.00

2. Fees for claims

Each independent claim in excess of 3  
(37 C.F.R. § 1.492(d)) \$0.00

Each claim in excess of 20  
(37 C.F.R. § 1.492(e)) \$0.00

3. Surcharge fees

Surcharge for filing the oath or declaration  
later than thirty months from the priority  
date pursuant to § 1.495(c) and § 1.492(h): \$65.00

4. Assignment (see assignment cover sheet) \$40.00

07/17/2007 MKAYPAGH 00000093 10589144

**Total Fees \$605.00**

04 FC:2251 60.00 OP

## SMALL ENTITY STATUS

- III. An assertion that this filing is by a small entity is being made now by paying the basic national fee as a small entity.

## EXTENSION OF TIME

- IV. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant petitions for an extension of one month, the small entity fee for which is \$60.00 as set out in 37 C.F.R. § 1.17(a)(1). If an additional extension of time is required, please consider this a petition therefor.

Extension fee due with this request \$60.00

## TOTAL FEE DUE

- V. **TOTAL FEE DUE: \$665.00**

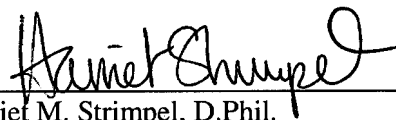
## PAYMENT OF FEES

VI.

Attached is a check in the amount of **\$665.00**.

A duplicate of this request is attached.

Date: 12 July 2007



Harriet M. Strimpel, D.Phil.

Registration No. 37,008

New England Biolabs, Inc.

240 County Road

Ipswich, MA 01938

978-380-7373

Customer No. 28986

Adjustment date: 07/17/2007 MKAYPAGH  
08/21/2006 ATRAN1 00000048 10589144  
03 FC:2641 -50.00 OP

07/17/2007 MKAYPAGH 00000093 10589144

01 FC:2632	250.00 OP
02 FC:2617	65.00 OP
03 FC:1206	300.00 OP

RECEIVED  
4/23/07

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/589,144	George Tzertzinis	NEB-240-PUS

INTERNATIONAL APPLICATION NO.

PCT/US05/04409

I.A. FILING DATE	PRIORITY DATE
02/14/2005	02/12/2004

28986

HARRIET M. STRIMPEL; NEW ENGLAND BIOLABS, INC.  
 240 COUNTY ROAD  
 IPSWICH, MA 01938-2723

CONFIRMATION NO. 5689

371 FORMALITIES LETTER



\*OC000000023476636\*

Date Mailed: 04/20/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 08/14/2006
- Copy of the International Search Report filed on 08/14/2006
- Preliminary Amendments filed on 08/14/2006
- Information Disclosure Statements filed on 08/14/2006
- Biochemical Sequence Diskette filed on 08/14/2006
- Oath or Declaration filed on 08/14/2006
- Biochemical Sequence Listing filed on 08/14/2006
- Request for Immediate Examination filed on 08/14/2006
- U.S. Basic National Fees filed on 08/14/2006
- Priority Documents filed on 08/14/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/589,144	PCT/US05/04409	NEB-240-PUS